

**GREGORY NICOLAYSEN (CA 98544)**  
**27240 Turnberry Lane, Suite 200**  
**Valencia, CA 91355**  
**Phone: (818) 970-7247**  
**Fax: (661) 252-6023**  
**Email: [gregnicolaysen@aol.com](mailto:gregnicolaysen@aol.com)**

**Attorney For Defendant,**  
**John Brinson**

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**WESTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CR 17-404 AB (A)</b>
	)	
	)	<b>OBJECTIONS TO EVIDENCE</b>
<b>Plaintiff,</b>	)	<b>OFFERED BY GOVERNMENT</b>
	)	<b>AT SENTENCING HEARING</b>
<b>v.</b>	)	
	)	<b>Date: April 22, 2022</b>
<b>JOHN BRINSON,</b>	)	<b>Time: 10:00 a.m.</b>
	)	<b>CTRM:</b>
<b>Defendant</b>	)	<b>The Honorable Andre Birotte</b>
	)	
	)	

**TO THIS HONORABLE COURT AND THE GOVERNMENT THROUGH**  
**ASSISTANT U.S. ATTORNEYS DEVON MYERS AND LAUREN**  
**KUPERSMITH:**

**Defendant John Brinson, through his CJA counsel, Gregory Nicolaysen,**  
**submits objections in advance of the April 22, 2022, sentencing hearing, in regard**

1 to any offer of evidence by the government at the hearing as discussed herein.

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3 DATED: April 20 2022

4 Respectfully Submitted,

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7 \_\_\_\_\_/S\_\_\_\_\_  
8 GREGORY NICOLAYSEN  
9 Attorney for Defendant,  
10 John Brinson  
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**I**  
**THE DEFENSE OBJECTS TO THE GOVERNMENT**  
**OFFERING EVIDENCE AT THE APRIL 22, 2022**  
**SENTENCING HEARING**

On April 19, 2022, government counsel sent an email to the courtroom deputy, with a copy to defense counsel, which stated in pertinent part:

We wanted to let you know that for this hearing, in addition to victims who intend to speak, we anticipate submitting evidence to the Court due to defendant's sentencing submission and the number of objections made.

This Court should preclude any evidence offered by the government at the April 22, 2022 hearing. The many foundational deficiencies raised in the defense sentencing position point to the government's failure to establish a basis for its repeated assertions that Mr. Brinson created the images and videos in question and that Mr. Brinson committed various acts that the government seeks to attribute to him in the visual depictions. At the very least, the government should have included in its filing one or more declarations laying the appropriate foundation to support such assertions and should have produced to the Court and to defense

1 counsel pursuant to the <sup>1</sup>Protective Order a copy of each image and video  
2 addressed in the government's filing. The government failed to do so . As a result,  
3 the government's sentencing position is nothing more than a running narrative of  
4 unsubstantiated claims about conduct that far exceeds the specific charges in the  
5 indictment.  
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8 Recognizing that the defense has identified these foundational deficiencies,  
9 the government now seeks to cure them by offering evidence at the hearing, without  
10 any prior submission to the defense. To the extent the government wants to offer  
11 any exhibits or testimony, this is unfair surprise that deprives the defense of its  
12 right to be prepared, and should not be tolerated by this Court.  
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## 14 II

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16 THE COURT SHOULD CONTINUE THE APRIL 22  
17 HEARING TO ALLOW THE DEFENSE AN ADEQUATE  
18 OPPORTUNITY TO RESPOND TO ANY EVIDENCE THE  
19 COURT WILL ALLOW THE GOVERNMENT TO PRESENT  
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21 AT THE HEARING

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23 The government had an obligation to present its entire sentencing position in  
24 its original sentencing position papers, including proper foundations to support its  
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26 <sup>1</sup> This Court entered protective orders applicable to defendant Brinson on August 18,  
27 2017 (Pacer No. 45) and August 21, 2018 (Pacer No. 105). These protective orders applied to  
28 child victim information.

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